IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 115 OF 2006

Govind P. Raut .. Petitioner

versus

State of Maharashtra & ors .. Respondents

...

Mr.P.M. Arjunwadkar for the petitioner,

Mr.T.S. Ingale for the respondent no.3.

CORAM : D.G. KARNIK, J

DATED : 7th December 2006

P.C.:

1. Heard counsel for the petitioner and respondent no.3.

2. The land bearing Gut No.831 was acquired and award was published on 22nd October 1991. The revision

petitioner made an application for enhancement of compensation and requested for a reference to be made under section 18 of the Land Acquisition Act by an application dated 7th July 2005. By an order dated 8th March 2006, the Special land Acquisition Officer declined to make the reference on the ground that the application was barred by limitation.

3. In paragraph no.2 of the impugned order dated 8th March 2006, the Special Land Acquisition Officer has stated that notice u/s.12(2) was served on the petitioner on 10th October 1991. The application for reference ought to have been made 42 days thereafter. Application made in the year 2005 is hopelessly barred by limitation.

4. Learned counsel for the petitioner however submits that the notice u/s.12(2) was not served on the petitioner. Assuming so, that petitioner ought to have made the application within six months from the date of the award, which the Supreme court has held to be date of knowledge of the award. On 14th October 2003, petitioner himself had claimed the amount of compensation by an application. Thus, the petitioner had the knowledge of the award atleast on 14th October 2003. Application for reference made on 7th July 2005 is made after six months

from the date of the knowledge of the award.

5. Thus looked at any way, application of the petitioner under section 18 was barred by limitation.

6. There is no merit in the revision application which is hereby dismissed.

(D.G. KARNIK, J)